

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

GREG GIANFORTE, in his official
capacity as Governor of Montana;
MONTANA DEPARTMENT OF
NATURAL RESOURCES
AND CONSERVATION,

Plaintiffs,

v.

BUREAU OF LAND MANAGEMENT; et
al.,

Defendants.

CV-20-62-GF-BMM

ORDER

The Court granted Plaintiffs' motion for summary judgment, (Doc. 10), declaring William Perry Pendley served unlawfully as the Acting BLM Director for 424 days; enjoining William Perry Pendley from exercising authority of BLM Director; enjoining Interior Secretary David Bernhardt from unlawfully delegating the authority of the BLM Director; and declaring the Lewistown RMP, Missoula RMP, and Miles City RMP amendment unlawful. (Docs. 25 & 33). Defendants appealed and argued that the case became moot as a result of the Secretary of the Interior's independent review and approval of the RMPs, and because Pendley and Bernhardt left their federal offices following the January 2021 change in

Administration. (9th Cir. 20-36129 Docs. 16 & 21). The Ninth Circuit agreed that the case is moot and accordingly dismissed the appeal. (9th Cir. 20-36129 Doc. 22). The Ninth Circuit denied the Parties' request for partial vacatur of the judgment and instead remanded for this Court to determine whether and to what extent the judgment should be vacated. (*Id.*)

The Parties shall submit a joint status report regarding the status of any remaining issues before this Court. The parties shall address, in particular, any issues subject to the motion to vacate considered by the Ninth Circuit's order. (*Id.*) The status report must be submitted by October 6, 2021.

DATED this 21st day of September, 2021.



Brian Morris, Chief District Judge
United States District Court